

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2009 DEC 10 PM 2:54

TOTAL BASE BID 5,699,579
ALT NO. 1 73,682
ALT NO. 2 209,480
ALT NO. 3 15,989
Alt No. 4 6,992
Alt No. 5 _____

BID DATE: Thursday, December 10, 2009

Project Manager: Agatha Ng – 535-8350

CALABAZAS BRANCH LIBRARY

BIDDER NAME: Tombles on

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☒ NO _____

NonCollusion Affidavit

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR CALABAZAS BRANCH LIBRARY

Name of Bidder: Tombleson Incorporated

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** and the Specifications approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished (cont. on page 2 of 3)

DESCRIPTION OF WORK:

Furnish all necessary labor, materials, equipment, and incidentals to complete the work, as described in the plans and Specifications for this project.

BID ITEM:

For the **CALABAZAS BRANCH LIBRARY**⁽¹⁻⁴⁾

**TOTAL BID PRICE
FOR EACH ITEM**
(in figures):

Project Description: All work described for the construction of a 10,500sf One Story facility known as the Calabazas Branch Library Project as noted in the project manual and drawings, including allowances described below:

Allowance 1: Utility connections fees.	\$150,000
Allowance 2: SWPPP/Erosion Control requirements.	30,000
Allowance 3: CEQA Mitigation Monitoring and reporting.	30,000
Allowance 4: Third Party Special Inspection for Structural and Soil certification.	150,000
Allowance 5: Third Party Hazardous Materials Monitoring Agency.	25,000
Total Allowances:	\$385,000

TOTAL BASE BID The amount of the Total Base bid set forth here includes each of the above Allowances (no exceptions):

Base Bid: 5,699,579

BID ADD ALTERNATES: ⁽¹⁾⁽²⁾

1. **Alternate 1:** Exterior Metal Panel Siding MP2 (Ribbed Panel)

Add #1: 73,682

2. **Alternate 2:** Exterior Metal Panel Siding MP1 (Zinc Panels)

Add #2: 209,480

3. **Alternate 3:** Exterior Concrete Benches with color coating and Anti-graffiti coating; and yellow exterior Pavers

Add #3: 15,989

4. **Alternate 4:** Interior – Add Glazing and Frame at Group Study Room

Add #4: 6,992

NOTES:

- (1) Bid Alternates prices are to include the Contractor General Conditions, Project and Overhead, bonding and related costs specified to the scopes of work for each individual Alternate.
- (2) Refer to **Specification Section 01230** for additional information for each "Alternate" alternate work.
- (3) See the Special Provisions Section in this project manual for descriptions of "Award of Contract".
- (4) Base bid value amount is to include the Allowance value as indicated in **Specification Section 01210**, "Allowances".

(cont. from page 1 of 3) in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required

NONCOLLUSION AFFIDAVIT

Project Title: CALABAZAS BRANCH LIBRARY

Steve Locke

(print name)

, being first duly sworn, deposes and says that he/she is

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on December 10, 2009

Tombleson Incorporated

Legal Company Name

City Business Lic. No.: _____

Expiration Date: _____

State Contractor Lic. No.: 126454

Classification: B

Expiration Date: 10/31/11

Federal I. D. No.: 94-1200319

Address: P.O. Box 1388

Salinas, CA 93902

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

By: _____

Title: President

Telephone: 831-422-9696

NOTARY

On 12/10/2009 before me, D. POPMA, NOTARY PUBLIC, personally
appeared _____
(name and title of officer)

STEVE LOCKE who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

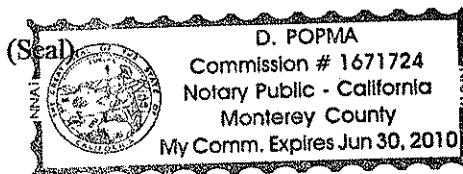
I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

Page 3 of 3



LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

BIDDER (GENERAL CONTRACTOR): Tombleson Incorporated (page 1)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Portano Dorr	Marina	DEMOLITION
" "	" "	REMOVAL OF HAZARDOUS MATERIALS
MK Pipeless	S. Francisco	SITE UTILITIES
Coyart Brothers	Livermore	ASPHALT CONCRETE PAVEMENT
Noah Concrete	Gilroy	SITE CONCRETE
Tree To Green		PLANTING
M&R	S. Clara	REINFORCING STEEL
Metal Works	Oroville	STRUCTURAL STEEL
Amberwood	S. Jose	WOOD CABINETS
F Rogers	Livermore	INSULATION
" "	" "	ROOFING
Anay Glass	Sunnyvale	ALUMINUM ENTRANCES AND STOREFRONTS
" "	" "	GLAZING
Allen Spe		PORTLAND CEMENT PLASTER
" "		GYPSUM BOARD
Fischer Tile	Sacramento	CERAMIC TILE
Wester Acoustic	S. Francisco	ACOUSTICAL CEILING
Floor To Ceiling	Elk Grove	FLOORING

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): Tombleson Incorporated (page 2)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
<i>Slater Custom</i>	<i>S. Francisco</i>	PAINTS AND COATINGS
<i>DAR Zure</i>	<i>South S. Fran.</i>	FIRE SPRINKLERS
<i>Santa Cruz</i>	<i>S Cruz</i>	PLUMBING
<i>Lucas Mechanical</i>	<i>Hayward</i>	HVAC
<i>Art Electric</i>	<i>Sacramento</i>	ELECTRICAL
<i>Interstate doors</i>	<i>Rosebld Cordoba</i>	<i>Polished concrete</i>
<i>"</i>	<i>"</i>	<i>Vapor emissions</i>
<i>Kadeak</i>	<i>Lincoln</i>	<i>Metal Wall Panel</i>
<i>Ellis & Ellis</i>	<i>Sacramento</i>	<i>ornamental Plastic Bar</i>
<i>Satellite Panels</i>	<i>S Jose</i>	<i>Wall coverings</i>
<i>Tomas Swan</i>	<i>Richmond</i>	<i>Signage</i>
<i>Anneing Johnson</i>	<i>Hayward</i>	<i>Metal Deck</i>
<i>Sherrill Eng</i>	<i>S. San Fran</i>	Commissioning
<i>Koss McDonald</i>	<i>Livermore</i>	<i>Edgely Stable Systems</i>

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): Tombleson Incorporated (page 3)

[illegible]

STATEMENT OF BIDDER'S EXPERIENCE

BIDDER (GENERAL CONTRACTOR): Tombleson Incorporated

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. (Contractor may Include Company own Bidders' Experience sheet instead).

PROJECT NAME

AGENCY/ENTITY

CONTRACTAMOUNT

Modernization (2) Science Buildings	Gavilan Joint College	\$4,621,704
New Library	City of Marina	\$6,216,175
Child Development Center Bldg 24	Monterey Peninsula College	\$4,173,919
Alisal High School Modernization	Salinas Union High School District	\$5,595,213
CSU - Sport Complex	CSU - Monterey Bay	\$5,514,149
Multi Purpose Use Buildings	Soquel Union Elementary School	\$9,789,962
Library & Resource Center	Redevelopment Agency County of Monterey	\$3,969,745
Child Development Center	Monterey Peninsula College	\$4,973,919

December 2, 2009

**ADDENDUM NO. 1
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

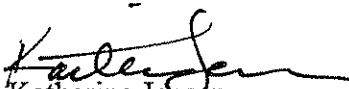
GENERAL:

Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

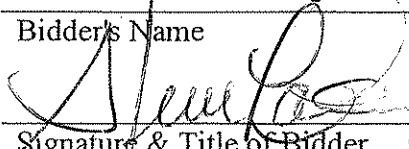
INSTRUCTIONS TO BIDDER:

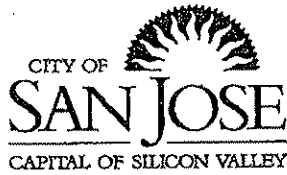
The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

1

Tombleson Incorporated	12/10/09
Bidder's Name	Date
	
Signature & Title of Bidder	Steve Locke - President



Department of Public Works

CITY FACILITIES ARCHITECTURAL SERVICES

December 4, 2009

**ADDENDUM NO. 2
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

GENERAL:

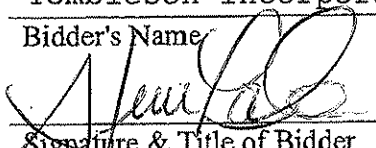
Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

Tombleson Incorporated	12/10/09
Bidder's Name	Date
	
Signature & Title of Bidder	Steve Locke - President

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Tombleson, Inc. as PRINCIPAL, and Fidelity and Deposit Company of Maryland, a corporation duly organized under the laws of the State of Maryland and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of the bid amount DOLLARS (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk Office, CITY OF SAN JOSE, City Hall, 200 E. Santa Clara St., Wing, 2nd floor, San Jose, CA 95113 on December 10, 2009 for CALABAZAS BRANCH LIBRARY.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 3rd
day of December, 2009.

PRINCIPAL

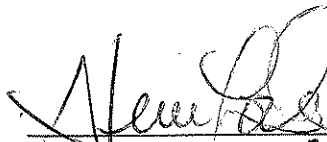
SURETY

Tombleson, Inc.
Legal Company Name


Fidelity and Deposit
Company of Maryland
Legal Company Name

Indicate Type of Entity

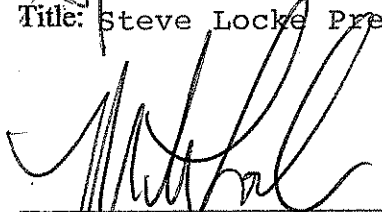
By


Title: Steve Locke President

By


Title: Clarice Lee
Attorney In Fact

By


Title: Mike Locke Corporate
Secretary

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

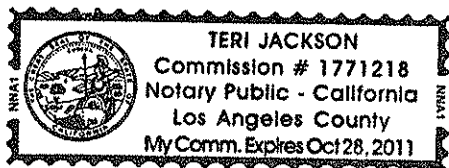
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Los Angeles

On December 3, 2009 before me, Teri Jackson, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Clarice Lee
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Teri Jackson
Signature of Notary Public Teri Jackson

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Bid Bond

Document Date: 12/3/09

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer Is Representing:
Fidelity and Deposit
Company of Maryland

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer Is Representing: _____

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint **Teresa I. JACKSON and Clarice LEE, both of Los Angeles, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 13th day of August, A.D. 2008.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Assistant Secretary

Theodore G. Martinez

By:

Theodore G. Martinez

State of Maryland } ss:
City of Baltimore }

On this 13th day of August, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

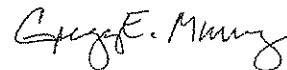
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 3rd day of December, 2009.



Assistant Secretary